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OFFICE OF PETITIONS

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In re Patent No. 7,598,955 : DECISION ON REQUEST
Dowling et al. : FOR
Issue Date: October 6, 2009 : RECONSIDERATION OF
Application No. 09/739,587 : PATENT TERM ADJUSTMENT
Filed: December 15, 2000 : and
Atty Docket No. 07844-476001 : NOTICE OF INTENT TO ISSUE
/ P440 : CERTIFICATE OF CORRECTION

This is a decision on the petition filed on December 4, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by two hundred and nineteen (219) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by two hundred and eighteen (218) days is **GRANTED to the extent indicated herein.**

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on December 16, 2003 and ends on December 21, 2003, the day before the first RCE was filed (as opposed to the day on which the first RCE was filed), which amounts to a period of exclusion of 2116 days (not 2115 days).¹ See U.S.C.

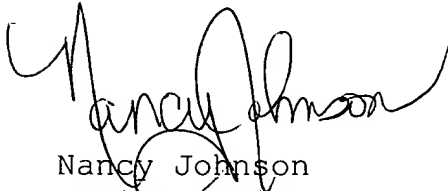
¹ See petition, page 3.

154(b)(1)(B)(i). As such, the patent term adjustment is 218, not 219 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **two hundred and eighteen (218) days**.

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,598,955 B1

DATED : October 6, 2009

DRAFT

INVENTOR(S) : Dowling et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 212 days

Delete the phrase "by 212 days" and insert – by 218 days--